

the outer wall tissue of the first and second nasal passages from drawing in during breathing; and
a resilient member defining at least a portion of the first and second end regions and the intermediate segment, whereby the [deformable means] resilient member, in being capable, at least in part, of [elastic and plastic] resilient deformation [that], allows the truss member to conform to the outer wall tissue of the nasal passages of a nose and provides the inherent tendency of the truss member to return to its normally planar state when flexed.

2. (Amended) The nasal dilator of claim 1 wherein the truss member includes:

a flexible strip of material defining the first and second end regions and the intermediate segment; and

[a] the resilient [means secured to] member positioned adjacent a first side of the flexible strip of material to form the resilient member, the resilient means defining the normally planar state of the truss member] so as together being capable, at least in part, of resilient deformation.

4. (Amended) The nasal dilator of claim 2, and further including:

an adhesive substance located on a second side of the flexible strip of material at the first and second end regions thereof, so as together with the resilient member being capable, at least in part, of resilient deformation, the adhesive substance for releasably securing the truss member to the outer wall tissue of the first and second nasal passages.

Please amend the following claims as indicated:

In claim 6, line 1, delete "means" and substitute therefor --member--.

In claim 10, line 1, delete "means" and substitute therefor --member--.

In claim 10, line 5, delete "means" and substitute therefor --member--.

In claim 13, line 3, delete "forces" in two instances and substitute therefor in each instance --force--.

In claim 13, line 5, delete "forces" and substitute therefor --force--.

In claim 14, line 3, delete "means" and substitute therefor --member--.

In claim 14, line 4, delete "means" and substitute therefor --member--.

In claim 16, line 4, delete "being secured to" and substitute therefor --positioned adjacent--.

In claim 21, line 3, delete "deformably secured to" and substitute therefor --positioned adjacent--.

REMARKS

This communication is in response to the Action of September 30, 1996. In that Action, claims 1 through 22 were rejected with claims 2, 4 through 7, 12, 16, 18, 19 and 21 being objected to but containing allowable subject matter.

The applicant has amended claims 1, 2, 6, 10, 13, 14, 16 and 21 to clarify same and to correct inadvertent errors therein.

The Examiner first rejects claims 1 through 22 in finding that they would result in double patenting in view of the issued claims in U.S. Patents 5,533,499; 5,533,503; 5,549,103 and 5,476,091. The Examiner states that the subject matter claimed in the present application is fully disclosed in a "referenced co-pending application" and would be covered by any patent granted thereon since they are both claiming common subject matter as is seen by comparing the claims. Presumably, the Examiner meant in this rejection statement the four patents listed previously in the rejection rather than a "referenced co-pending application" as no pending applications appear to have been cited in this rejection. The Examiner further states that there is no apparent reason why the applicant would be prevented from presenting claims corresponding to the present application in the other "co-pending application" again, presumably, meaning the applications leading to the above listed patents. The Examiner cites, as authority for this